

Temporary injunction for failure to give notice of use of musical copyright, see section 101 (e) of this title.

#### FEDERAL RULES OF CIVIL PROCEDURE

##### Filing bond—

Upon granting preliminary injunction, see rule 65 (c), Title 28, Appendix, Judiciary and Judicial Procedure.

Upon granting injunction pending appeal, see rule 62 (c) Title 28, Appendix, Judiciary and Judicial Procedure.

Injunctions, generally, see rule 65 Title 28, Appendix, Judiciary and Judicial Procedure.

Territorial extent of effective service of process, see rule 4 (b), Title 28, Appendix, Judiciary and Judicial Procedure.

#### FEDERAL FORMS OF CIVIL PROCEDURE

Form of complaint for injunction and damages, see form 17, Title 28, Appendix, Judiciary and Judicial Procedure.

### § 113. Transmission of certified copies of papers for enforcement of injunction by other court.

The clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office. (July 30, 1947, ch. 391, 61 Stat. 664.)

#### CROSS REFERENCES

Injunction, right to in general, see sections 101 and 112 of this title.

### § 114. Review of orders, judgments, or decrees.

The orders, judgments, or decrees of any court mentioned in section 1338 of Title 28 arising under the copyright laws of the United States may be reviewed on appeal in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively. (July 30, 1947, ch. 391, 61 Stat. 665; Oct. 31, 1951, ch. 655, § 17, 65 Stat. 717.)

#### AMENDMENTS

1951—Act Oct. 31, 1951, amended section by substituting "1338 of Title 28" for "110 of this title".

#### CROSS REFERENCES

Appellate jurisdiction of the Courts of Appeals, see sections 1291—1294 of Title 28, Judiciary and Judicial Procedure.

Appellate jurisdiction of the Supreme Court, see sections 1252—1257 of Title 28, Judiciary and Judicial Procedure.

Interlocutory decisions granting, refusing or dissolving injunctions appealable to Courts of Appeals, see section 1292 of Title 28, Judiciary and Judicial Procedure.

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Injunction pending appeal, see rule 62 (c), Title 28, Appendix, Judiciary and Judicial Procedure.

### § 115. Limitations.

#### (a) Criminal proceedings.

No criminal proceedings shall be maintained under the provisions of this title unless the same is commenced within three years after the cause of action arose.

#### (b) Civil actions.

No civil action shall be maintained under the provisions of this title unless the same is commenced within three years after the claim accrued. (July 30, 1947, ch. 391, 61 Stat. 665; Sept. 7, 1957, Pub. L. 85-313, § 1, 71 Stat. 633.)

#### AMENDMENTS

1957—Pub. L. 85-313 amended section by substituting catchline "Limitations" for "Limitations of criminal proceedings", designating existing provisions as subsec. (a), and adding subsec. (b).

#### EFFECTIVE DATE OF 1957 AMENDMENT

Pub. L. 85-313, § 2, provided that: "The amendments made by this Act [amending this section] shall take effect one year after the date of enactment of this Act [Sept. 7, 1957] and shall apply to all actions commenced on or after such effective date."

#### CROSS REFERENCES

Insertion of fraudulent notice of copyright as a misdemeanor, see section 105 of this title.

Limitation of non-capital offenses, see section 3282 of Title 18, Crimes and Criminal Procedure.

Willful infringement for profit a misdemeanor, see section 104 of this title.

### § 116. Costs; attorney's fees.

In all actions, suits, or proceedings under this title, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs. (July 30, 1947, ch. 391, 61 Stat. 665.)

#### CROSS REFERENCES

Action for infringement of copyright, see section 101 of this title.

Costs not taxable against United States, see section 2412 (a) of Title 28, Judiciary and Judicial Procedure, and rule 54 (d) of Federal Rules of Civil Procedure, Title 28, Appendix.

Costs of prosecution taxable in non-capital proceedings, see section 1918 of Title 28, Judiciary and Judicial Procedure.

Fraudulent notice of copyright as a misdemeanor, see section 105 of this title.

Injunctions, see section 112 of this title.

Taxable costs and attorney's fees awarded to plaintiff for failure to pay royalties upon demand, see section 1 (e) of this title.

Taxation of costs, see section 1920 of Title 28, Judiciary and Judicial Procedure.

Willful infringement for profit as a misdemeanor, see section 104 of this title.

## Chapter 3.—COPYRIGHT OFFICE

#### Sec.

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#### AMENDMENTS

1954—Act Apr. 13, 1954, ch. 137, § 2, 68 Stat. 52, amended analysis by adding item 216.

**§ 201. Copyright office; preservation of records.**

All records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights. (July 30, 1947, ch. 391, 61 Stat. 665.)

**§ 202. Register, assistant register, and subordinates.**

There shall be appointed by the Librarian of Congress a Register of Copyrights, and one Assistant Register of Copyrights, who shall have authority during the absence of the Register of Copyrights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law. (July 30, 1947, ch. 391, 61 Stat. 665.)

**§ 203. Same; deposit of moneys received; reports.**

The Register of Copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this title, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances. (July 30, 1947, ch. 391, 61 Stat. 665.)

**CROSS REFERENCES**

Fees, see section 215 of this title.

**§ 204. Same; bond.**

The Register of Copyrights shall give bond to the United States in the sum of \$20,000, in form to be approved by the General Counsel for the Department of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties. (July 30, 1947, ch. 391, 61 Stat. 666.)

**TRANSFER OF FUNCTIONS**

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

**CROSS REFERENCES**

Bond of Librarian of Congress, see section 136 of Title 2, The Congress.

**§ 205. Same; annual report.**

The Register of Copyrights shall make an annual report to the Librarian of Congress, to be printed

in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this title. (July 30, 1947, ch. 391, 61 Stat. 666.)

**CROSS REFERENCES**

Classification of works for registration, see section 5 of this title.

**§ 206. Seal of copyright office.**

The seal used in the copyright office on July 1, 1909, shall be the seal of the copyright office, and by it all papers issued from the copyright office requiring authentication shall be authenticated. (July 30, 1947, ch. 391, 61 Stat. 666.)

**CROSS REFERENCES**

Authenticated copies of records and papers of department or agency admissible, see section 1733 (b) of Title 28, Judiciary and Judicial Procedure.

**FEDERAL RULES OF CIVIL PROCEDURE**

Proof of official record, see rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.

**§ 207. Rules for registration of claims.**

Subject to the approval of the Librarian of Congress, the Register of Copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this title. (July 30, 1947, ch. 391, 61 Stat. 666.)

**CROSS REFERENCES**

Classification of works for registration, see section 5 of this title.

**§ 208. Record books in copyright office.**

The Register of Copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this title, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this title he shall make entry thereof. (July 30, 1947, ch. 391, 61 Stat. 666.)

**CROSS REFERENCES**

Deposit of copies after publication, see section 13 of this title.

Works not reproduced for sale, see section 12 of this title.

**§ 209. Certificate of registration; effect as evidence; receipt for copies deposited.**

In the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been reproduced in copies for sale, or publicly distributed, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as

provided by section 17 of this title, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The Register of Copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for in the case of all registrations made after July 1, 1909, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration. (July 30, 1947, ch. 391, 61 Stat. 666.)

#### CROSS REFERENCES

Action for infringement of copyright, see section 101 of this title.

Deposit of copies—

After publication, see section 13 of this title.

Of works not reproduced for sale, see section 12 of this title.

Fee for certificate of registration, see section 215 of this title.

#### § 210. Catalog of copyright entries; effect as evidence.

The Register of Copyrights shall fully index all copyright registrations and assignments and shall print at periodic intervals a catalog of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalog for each class of copyright entries, and may thereupon, if expedient, destroy the original manuscript catalog cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalog of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration. (July 30, 1947, ch. 391, 61 Stat. 666.)

#### CROSS REFERENCES

Certificate of registration under seal as prima facie evidence of facts stated therein, see section 209 of this title.

Classification of works for registration, see section 5 of this title.

Recordation of assignments, see section 30 of this title.

Subscription price for Catalog of Copyright Entries, see Rule § 201.3 of Rules and Regulations set out in Appendix to this title.

#### § 211. Same; distribution and sale; disposal of proceeds.

The said printed current catalogs as they are issued shall be promptly distributed by the Superintendent of Documents to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised list of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished in whole or in part to all parties desiring them at a price to be determined by the Register of Copyrights for each part of the catalog not exceeding \$25 for the complete yearly catalog of

copyright entries. The consolidated catalogs and indexes shall also be supplied to all persons ordering them at such prices as may be fixed by the Register of Copyrights, and all subscriptions for the catalogs shall be received by the Superintendent of Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time. (July 30, 1947, ch. 391, 61 Stat. 667; Apr. 27, 1948, ch. 236, § 1, 62 Stat. 202.)

#### AMENDMENTS

1948—Act Apr. 27, 1948, provided for distribution of catalogs by Superintendent of Documents and raised maximum cost of catalog from \$10 to \$25.

#### EFFECTIVE DATE

Section 3 of act Apr. 27, 1948, provided that amendments of this section and section 215 of this title by act Apr. 27, 1948, should take effect thirty days after April 27, 1948.

#### § 212. Records and works deposited in Copyright Office open to public inspection; taking copies of entries.

The record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the Register of Copyrights and approved by the Librarian of Congress. (July 30, 1947, ch. 391, 61 Stat. 667.)

#### § 213. Disposition of articles deposited in office.

Of the articles deposited in the copyright office under the provisions of the copyright laws of the United States, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein. (July 30, 1947, ch. 391, 61 Stat. 667.)

#### § 214. Destruction of articles deposited in office remaining undisposed of; removal of by author or proprietor; manuscripts of unpublished works.

Of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the Register of Copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalog of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period

of years stated, not reserved or disposed of as provided for in this title. No manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it. (July 30, 1947, ch. 391, 61 Stat. 667.)

#### CROSS REFERENCES

Deposit of copies of works not reproduced for sale, see section 12 of this title.

#### § 215. Fees.

The Register of Copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees:

For the registration of a claim to copyright in any work, except a print or label used for articles of merchandise, \$4; for the registration of a claim to copyright in a print or label used for articles of merchandise, \$6; which fees shall include a certificate of registration under seal for each work registered: *Provided*, That only one registration fee shall be required in the case of several volumes of the same book published and deposited at the same time: *And provided further*, That with respect to works of foreign origin, in lieu of payment of the copyright fee of \$4 together with one copy of the work and application, the foreign author or proprietor may at any time within six months from the date of first publication abroad deposit in the Copyright Office an application for registration and two copies of the work which shall be accompanied by a catalog card in form and content satisfactory to the Register of Copyrights.

For recording the renewal of copyright and issuance of certificate therefor, \$2.

For every additional certificate of registration, \$1.

For certifying a copy of an application for registration of copyright, and for all other certifications, \$2.

For recording every assignment, agreement, power of attorney, or other paper not exceeding six pages, \$3; for each additional page or less, 50 cents; for each title over one in the paper recorded, 50 cents additional.

For recording a notice of use, \$2, for each notice of not more than five titles; and 50 cents for each additional title.

For any requested search of Copyright Office records, or works deposited, or services rendered in connection therewith, \$3 for each hour of time consumed. (July 30, 1947, ch. 391, 61 Stat. 668; Apr. 27, 1948, ch. 236, § 2, 62 Stat. 202; June 3, 1949, ch. 171, § 4, 63 Stat. 154.)

#### AMENDMENTS

1949—Act June 3, 1949, amended section by adding last proviso to second paragraph.

1948—Act Apr. 27, 1948, increased fees generally.

#### EFFECTIVE DATE

Amendment of section by act Apr. 27, 1948, effective thirty days after April 27, 1948, see note under section 211 of this title.

#### CROSS REFERENCES

Classification of works for registration, see section 5 of this title.

Registration of prints and labels, see section 6 of this title.

Rules and regulations for registration of claims to copyright, see Rules and Regulations set out in Appendix to this title.

§ 216. When the day for taking action falls on Saturday, Sunday, or a holiday.

When the last day for making any deposit or application, or for paying any fee, or for delivering any other material to the Copyright Office falls on Saturday, Sunday, or a holiday within the District of Columbia, such action may be taken on the next succeeding business day. (Added Apr. 13, 1954, ch. 137, § 1, 68 Stat. 52).